GOVERNMENT OF INDIA
LABOUR AND EMPLOYMENT
LOK SABHA

STARRED QUESTION NO:20
ANSWERED ON:24.07.2006
AMENDMENT IN LABOUR LAWS
Patel Shri Kishanbhai Vestabhai;Reddy Shri Mekapati Rajamohan

Will the Minister of LABOUR AND EMPLOYMENT be pleased to state:

(a) whether the Government proposes to amend labour laws concerning women;

(b) if so, the details thereof;

(c) whether National Commission for Women and Ministry of Women and Child Development has also recommended some changes in such laws;

(d) if so, the details thereof; and

(e) the time by which the Government proposes to finalise the issue?

Answer

MINISTER OF LABOUR AND EMPLOYMENT (SHRI K. CHANDRASEKHAR RAO)

(a) to (e): A statement is laid on the Table of the House.

STATEMENT REFERRED TO IN REPLY TO LOK SABHA STARRED QUESTION NO. 20 FOR ANSWER ON 24.7.2006 BY SHRI KISHANBHAI V.PATEL AND SHRI M. RAJAMOHAN REDDY REGARDING AMENDMENT IN LABOUR LAWS.

The National Commission for Women had made recommendations regarding amendments in labour laws and various other laws relating to women with a view to providing legal equality for women. In response to this, Department of Women and Child Development had set up a Task Force in the year 2000 to look into these recommendations. The views of the Task Force for the amendment of various labour laws is as follows: -

1. The Workmen`s Compensation Act, 1923 :

(a) The title of the Act should be made gender neutral, namely the Workers` Compensation Act.

(b) provide for medical examination by a female practitioner free of charge, at the discretion of women worker.

2. The Child Labour (Prohibition and Regulation) Act, 1986 :

(a) To provide for 50% of the members on the Child Labour Technical Advisory Committee as women.

(b) Include the education of child labour in section 13.

(c) No child below the age of 11 years should be employed at all in any establishment/occupation/process, even where children upto 14 years are permitted to work under regulated conditions.

(d) Providing a minimum penalty of Rs. 2000 under the Act.

(e) The fines collected be used for education of Child Labour.

3. Bonded Labour System (Abolition) Act, 1976:

(a) To provide for more representation of women in the Vigilance Committees under the Act.

(b) Provide for seeking cooperation and participation of women`s agencies to channelize sufficient credit to the freed-bonded women labourer.

(c) Vigilance Committees to collect gender and age disaggregated data on bonded labour.

(d) Enhancement of the fines under the Act.

(e) Provide for forfeiture of moveable/immovable property of the convicted person for realization of other fine imposed, cancellation or suspension of license, permit etc.

(f) Utilization of fines realized for the rehablitation of freed bonded labour.

4. Contract Labour (Regulation and Prohibition) Act, 1970:

(a) To provide for a representative of DWCD on the Central Board to take care of the women`s interest.

(b) To provide for half the members of the Central Advisory Board and State Advisory Board as women.

(c) To provide for separate rest room facility and toilets for women.

5. Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979 :

(a) The title of the Act should be made gender neutral, namely the Inter-State Migrant Workers Act.

(b) Provide for grant of maternity leave to female Inter-State Migrant Workers and crÃ¨ches for their children.

6. Equal Remuneration Act, 1976:

(a) To provide for appointment of 50% women officers to decide claims/complaints.

(b) Enhancement of penalty for non-maintenance of records.

7. The Payment of Wages Act, 1936 :-

(a) An employed person shall not make a nomination in favour of a person other than a member of his family. The definition of family should also be incorporated in Section 2 of the Act.

(b) Make suitable revision of the wage levels to which the Act applies.

(c) The fines prescribed should be revised in the light of the current income-levels in the country.

8. The Plantations Labour Act, 1951:

(a) No child below the age of 11 years shall be allowed to work in plantation falling under the Act.

(b) Provision of crÃ¨che facilities.

(c) More women Inspectors may be appointed, one-third Welfare Officers should be women, education facilities for children below the age of 14 years etc.

9. Minimum Wages Act, 1948:

(a) To provide for 10% of the Inspectors to be appointed under the Act as women. Doctors/Teachers/Panchayat Members should be made Inspectors under the Act.

10. Factories Act, 1948 :

(a) Restrictions on working of women and young persons in cleaning, lubricating and adjusting machinery in motion. Prohibition of employment of women in dangerous operations.

(b) Separate lunch rooms and rest rooms for women.

(c) Creche facility in the factories.

(d) Permitting women to work in night shift in the factories etc.

11. Employees State Insurance Act, 1948 :

(a) That the ESIC Act may be amended to provide for the benefits under this Act to employees in all such establishments which are covered by the Maternity Benefit Act, 1961.

12. Maternity Benefit Act, 1961:

(a) To provide various maternity benefits available to Central Government employees, such as Maternity leave (fully paid) of 135 days to female workers and Paternity leave for 15 days to male workers under the Maternity Benefit Act, 1961 also.

Based on the report of the Task Force, Government is considering amending few labour laws. The details are as follows:-

1. The Workmen`s Compensation Act, 1923:- Ministry has agreed to change the title of the Act to the Workers` Compensation Act to make it gender neutral.

2. The Child Labour (Prohibition and Regulation) Act, 1986: Ministry has agreed to amend the Act to provide for 33% seats in the Child Labour Advisory Committee for women and inclusion of education of child labour in Section 13 of the Child Labour (Prohibition and Regulation) Act, 1986.

3. Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979: Ministry has agreed to change the title of the Act to Inter-State Migrant Workers` Act to make it gender neutral.

4. Factories Act, 1948: Regarding the proposal for permitting women to work in night shifts in the factories, it has already been approved by the Cabinet and the Bill has been introduced in the Parliament.

As State Governments are the appropriate authorities for implementing the labour legislation, amendment in the Acts would require consultation with the State Governments, as well as with other stakeholders. Ministry has initiated action in this regard.

In case of recommendations with respect to other labour laws, Ministry has issued administrative orders, wherever necessary to the State Governments, to provide for greater representation of women in various Committees and Boards, and for appointing more women as Investigating Officers and Inspectors under various Acts.